IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

LA.App..No. 911 of 2005()

LAR.28/2000 of ADL.SUB COURT, THALASSERY
.....

APPELLANT: RESPONDENT

THE SPECIAL TAHSILDAR (LA),
AIRPORT, KANNUR AT MATTANNUR.

BY ADDL.ADVOCATE GENERAL
GOVERNMENT PLEADER SMT.LATHA THANKAPPAN

RESPONDENTS: CLAIMANT
---

1. PHILOMINA FERNANDEZ, "GEM", (DIED)
GARDEN ROAD, PILAKKOOL, THALASSERY-2.

*2. MRS. MARGRET ROSE YOUNG D/O HENRY COLACO, AGED 57, RESIDING AT 21 GOVINDASINGH ROAD,R.S.PURAM, COIMBATORE.

*3. MARTHA GOUSALVES, D/O PAUL TAURO, AGED 93 YEARS, RESIDING AT 'GEM' GARDENS ROAD THALASSERY-2, KANNUR DISTRICT

*4. MR.SWAMINATH SREENIVASAN, S/O SWAMINATH IYER, AGED 78 YEARS, RESIDING AT 201, VENUS APARTMENT, KALINA, MUMBAI

*5. MRS.GEMMA S.VASAN, D/O SALVADORE GONSALVES, RESIDING AT 201 VENUS APARTMENT, KALINA MUMBAI

*6. CHENGANOTH VENGAKANDY RAZEENA, D/O N. POCKOOTTY, AGED 49 YEARS, RESIDING AT 'NAFSAS', J.T.ROAD, THALASSERY, KANNUR DISTRICT

*7. MANOLY FOUSIA, D/O C.K.ABOOTTY, AGED 46 YEARS, RESIDING AT'VADIYIL MALIYIKKAL HOUSE' P.O KALLAI, CALICUT , KOZHIKODE

*8. PODIYAPURAYIL RAMLATHE, D/O M.ABDUL KADER, AGED 50 YEARS, RESIDING AT PARAMBATH HOUSE, P.O TEMPLE GATE, THALASSERY-2, KANNUR DISTRICT

*9. SHAHIDA MANOLY, D/O ABDULLA HAJI, AGED 44 YEARS, RESIDING AT MANOLY HOUSE, CHIRAKKARA, THALASSERY-4 KANNUR DISTRICT

*10. RADHA KAMALALAYATHIL, D/O ANANDAN NAMBIAR, AGED 54 YEARS, RESIDING AT KAMALALAYAM , P.O PANNIANNUR, MANEKKARA, THALASSERY, KANNUR DISTRICT

*11. JOHN HERBERT FERNANDEZ, S/O G.J. FERNANDEZ, AGED 49 YEARS, RESIDING AT X'MAS VILLA, NEAR POSTAL QUARTERS, MEPADI, WYNAD DISTRICT

(ADDL RESPONDETS 2 TO 11 ARE IMPLEADED AS PER ORDER IN I.A. NO 3497/2007 DATED 19-10-2007)

(ALL REPRESENTED THROUGH POWER OF ATTORNEY HOLDER A.P. ABDUL AZEEZ S/O P.M.ABOOBACKER, AGED 57 YEARS, RESIDING AT NIMITHALAYAM, A12, MEDOWS, SKYLINE VILLA, P.O CIVIL STATION KOZHIKODE).

BY ADV. SRI.R.SURENDRAN
SRI.R.SURENDRAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 19/10/2007, ALONG WITH LAA NO. 1381 OF 2005 AND CONNECTED CASES THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. Nos 911 & 1381 of 2005
L.A.A No. 605 of 2006
and
L.A.A Nos. 883, 970, 979, 988, 989, & 1294 of 2007

Dated this the 19th day of October 2007

JUDGMENT

Kurian Joseph,J

These are appeals filed by the State and the claimants aggrieved by the judgment and decree of the reference court - Subcourt Thalassery. The acquisition is for Kannur Airport. It is seen that in respect of the issues raised in these appeals this Court has already rendered judgment in L.A.A 892/2005 and connected cases remanding the cases to the reference court for fresh consideration. For parity of reasons we set aside the judgment and decree in these cases and remit the cases to the reference court for fresh consideration. It will be open to the parties to adduce fresh evidence. The amount already paid to the parties will be duly adjusted. In the event of the enhancement, the reference court will also pass appropriate orders in the light of the orders passed by this Court in the petition for condonation of delay wherein it is made clear that for the period covered by the delay in filing the appeals before this court, the claimants will not be entitled to get interest at the rate of 15%.

The parties will appear before the reference court on 26-11-1007. Thereafter the reference court shall dispose of the case within another 6 months The parties are at liberty to adduce fresh evidence. It is made

clear that in case the claimants apply for deputation of an Advocate Commissioner within a month from the date of first appearance, the same shall be ordered by the reference court directing the Commissioner to submit the report within another 1 month.

KURIAN JOSEPH, JUDGE

HARUN-UL-RASHID, JUDGE

es